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10/801,279

REMARKS

Claims 1 - 21 have been canceled. The cancellation, however, is not made for purposes of narrowing the claims or establishing the patentability thereof, but is merely to correct a mistake, as discussed below.

Claims 22 - 28 have been added.

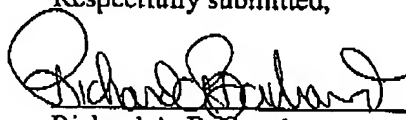
Reexamination and reconsideration are respectfully requested for newly added claims 22 - 28. The originally presented claims, 1-21 correspond to claims 8-28 in the parent application, serial number 10/280,477, which were allowed in USP 6,768,448. Regrettably, they were mistakenly presented in this case. It is believed the mistake was caused by the examiner's error in the parent application, listing therein on form PTO-326 claims 1 - 7 as being the allowed set of claims and 8 - 28 as being the rejected set of claims. This listing was mistakenly relied upon in preparing the continuation application; however, applicant intended to present herein instead the actually rejected claims 1 - 7. Claims 1 - 7 of the parent application have been amended, and correspond in their amended forms to new claims 22 - 28 herein.

In the parent application, originally presented claims 1 - 7 were rejected as being fully met by Fuchs, et al., USPA 2000/014025. It is assumed that the examiner would have applied this same rejection had the proper claims been presented herein. However, claims 22 - 28 differ from claims 1 - 7, originally presented, now reciting "a processor for ... combining ... first and second [timing information] portions to determine a real time estimate." This is nowhere shown nor suggested by Fuchs, et al. Thus, newly added claims 22 - 28 are not fully met by Fuchs, et al., and should be allowed.

In anticipation of a possible double patenting (obvious type) rejection, if the examiner should determine such a rejection is appropriate, a terminal disclaimer will be promptly submitted herein.

It is therefore respectfully requested that newly added claims 22 - 28 be allowed, and the case be advanced to issue.

Respectfully submitted,

  
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Under 37 CFR §1.34(a)

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